

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN ANTHONY DAVIS,

Petitioner,

v.

UNITED STATES CONGRESS, et al.,

Respondents.

Civil Action No. 04-265 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on September 19, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 12], filed on December 5, 2005, recommended that Petitioner's Petition [Doc. No. 1] be dismissed for lack of jurisdiction. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Defendant. Petitioner filed objections on December 14, 2005 [Doc. No. 13]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 15th day of December, 2005;

IT IS HEREBY ORDERED that the Plaintiff's Petition [Doc. No. 1] is DISMISSED for lack of jurisdiction.

The Report and Recommendation [Doc. No. 12] of Magistrate Judge Baxter, filed on December 5, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge